

IN THE SENATE

SENATE BILL NO. 1011

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE HISTORICAL SOCIETY IS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4111, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4112, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 67-4123, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE STATE HISTORICAL SOCIETY AND ITS BOARD OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4124, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT AND TERMS OF BOARD MEMBERS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3901, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE IDAHO ARCHAEOLOGICAL SURVEY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3902, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 33-3904, IDAHO CODE, TO REVISE A PROVISION RELATING TO CERTAIN REPORTING PROCEDURES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED – ORGANIZATION – DIRECTOR – BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as

provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; manufactured home advisory board, chapter 21, title 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code; public works contractors board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and modular buildings, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(f) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 2. That Chapter 41, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4111, Idaho Code, and to read as follows:

67-4111. DECLARATION OF POLICY. (1) The citizens of the state of Idaho have an ongoing appreciation, pride and interest in the history of Idaho and the preservation of Idaho's historic resources. There is a need to enhance the cultural environment of the state of Idaho. Industry, commerce, agriculture and quality of life will be enhanced by the preservation of Idaho's cultural and historic resources and the connection to place.

(2) It is hereby declared to be the policy of the state of Idaho to encourage the preservation of our cultural and historic resources and to assist the society in joining with all persons and institutions concerned with the history of Idaho to ensure that cultural and historic resources are recognized and fostered and will add value to and play a significant role in the welfare and educational experience of Idaho's citizens.

SECTION 3. That Chapter 41, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4112, Idaho Code, and to read as follows:

67-4112. DEFINITIONS. As used in this chapter:

(1) "Board" means the board of trustees of the Idaho state historical society.

(2) "Historical record" means any record, artifact, object, historical or archaeological site or structure, document, evidence or public or private writing pursuant to the provisions of title 9, Idaho Code, relevant to the history of the state of Idaho.

(3) "Idaho state historical society" and "society" mean the educational institution pursuant to chapter 41, title 67, Idaho Code.

SECTION 4. That Section 67-4123, Idaho Code, be, and the same is hereby amended to read as follows:

67-4123. STATE HISTORICAL SOCIETY – GOVERNED BY BOARD OF TRUSTEES. The Idaho ~~S~~state ~~H~~historical ~~S~~society, hereinafter referred to as the society, shall be governed by a board of trustees. The society and its board of trustees, shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be within the ~~office of the state board of education~~ department of self-governing agencies. The board shall be responsible for administering the powers and duties required to preserve and protect any historical record of the history and culture of Idaho.

SECTION 5. That Section 67-4124, Idaho Code, be, and the same is hereby amended to read as follows:

67-4124. BOARD OF TRUSTEES – QUALIFICATIONS, APPOINTMENT AND TERMS OF MEMBERS. The board of trustees shall consist of seven (7) members to be appointed by the ~~state board of education~~ governor. The members of the board shall be chosen with due regard to their knowledge, competence, experience and interest in the fields related to

1 the preservation and promotion of Idaho history. The ~~state board of education~~ governor shall  
 2 consider geographic representation when selecting board members by appointing one (1) trustee  
 3 from each of the seven (7) judicial districts as set forth in chapter 8, title 1, Idaho Code. All  
 4 appointees shall be chosen solely on the basis of their qualifications. The board shall provide  
 5 the governor with a list of nominated qualified candidates to fill any board vacancy.

6 All members of the board ~~of trustees~~ shall serve for a specific term. Upon expiration  
 7 of the terms of members serving on the board ~~of trustees~~ on the effective date of this act, the  
 8 ~~board~~ governor shall appoint members for a term of six (6) years, except appointments for the  
 9 unexpired portion of a term. No member shall serve more than two (2) consecutive full terms.

10 SECTION 6. That Section 33-3901, Idaho Code, be, and the same is hereby amended to  
 11 read as follows:

12 33-3901. IDAHO ARCHAEOLOGICAL SURVEY CREATED – PURPOSE –  
 13 DEFINITION – ADVISORY BOARD. (1) There is hereby created the Idaho archaeological  
 14 survey, to be administered as a special cooperative program under the authority of the ~~Idaho~~  
 15 ~~state board of education~~ board of trustees of the Idaho state historical society and the board of  
 16 regents of the university of Idaho. It is the policy of the state of Idaho that the archaeological  
 17 resources recovered from within the state, and their associated documentation, be accorded  
 18 long-term curation within the state to ensure their continued accessibility by the educational  
 19 programs of the state universities and for the public benefit of the citizens of the state of Idaho.  
 20 It is a policy of the state of Idaho that archaeological inventories conducted within the state  
 21 be documented in a comprehensive database accessible by educational programs and for other  
 22 public purposes consistent with the protection of these resources. The survey shall be the lead  
 23 state entity for the compilation, coordination, preservation and dissemination of archaeological  
 24 survey data and long-term curation of collections for Idaho. This information is to be acquired  
 25 through field and laboratory investigations by the staff of the survey and through cooperative  
 26 programs with other governmental and private agencies, including the educational programs at  
 27 the state universities which recover, use and care for archaeological materials. Nothing in this  
 28 chapter shall limit the established role of the state universities in archaeological research and  
 29 educational programs using archaeological materials.

30 (2) For the purposes of this chapter "archaeological resources" refer to both cultural  
 31 remains and associated environmental materials recovered by archaeological studies and to sites  
 32 on the landscape containing materials potentially supportive of anthropological or historical  
 33 archaeological studies.

34 (3) There is hereby established an advisory board for the survey which shall consist of  
 35 the following members: the Idaho state archaeologist, who shall be director of the survey and  
 36 nonvoting chairman of the advisory board, the academic vice presidents of the university of  
 37 Idaho, Idaho state university and Boise state university or their designated representatives; the  
 38 governor of the state of Idaho or his designated representative; and a member of the public  
 39 who shall be elected by a majority vote of the advisory board and who shall serve for a term  
 40 of two (2) years. Should a vacancy occur in the public member position, the advisory board  
 41 shall appoint a replacement to serve the remainder of the term. Members of the advisory board  
 42 shall be compensated as provided in section 59-509(b), Idaho Code, which compensation shall  
 43 be paid from the archaeological survey account created in section 33-3905, Idaho Code. A  
 44 quorum of the advisory board shall be required to be present to conduct business.

1       SECTION 7. That Section 33-3902, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3       33-3902. MEETINGS – OFFICE – STATE ARCHAEOLOGIST. The advisory board  
4 shall hold annual meetings at the Idaho state historical society, the university of Idaho, Idaho  
5 state university or Boise state university on the first Monday of June of each year and shall  
6 hold such other meetings as it may deem necessary. The chief office of the survey and the  
7 office of its secretary shall be maintained at the Idaho state historical society. The professional  
8 archaeologist holding the position of state archaeologist in the Idaho state historical society is  
9 designated director of the survey.

10       SECTION 8. That Section 33-3904, Idaho Code, be, and the same is hereby amended to  
11 read as follows:

12       33-3904. REPORTS. The Idaho archaeological survey shall annually, on or before the  
13 first day of January, make to the governor of the state and to the ~~executive director of the~~  
14 ~~Idaho state board of education~~ board of trustees of the Idaho state historical society and the  
15 board of regents of the university of Idaho a report detailing major events during the preceding  
16 year concerning the archaeological resources of the state, a report of its expenditures and of the  
17 work of the survey during the preceding year, and budget requests for the following year; and it  
18 shall make a similar report of its doings and its expenditures to the state legislature through the  
19 legislative council.